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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,091	10/02/2000	SATOSHI OHTA	35.C14852	4868

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EXAMINER	
PHAM, THIERRY L	
ART UNIT	**PAPER NUMBER**
2624	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/676,091	OHTA, SATOSHI	
	Examiner	Art Unit	
	Thierry L. Pham	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-20,22-35,37-50 and 52-60* is/are pending in the application.

4a) Of the above claim(s) *8-15,23-30,38-45 and 53-60* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7,16-20,22,31-35,37,46-50 and 52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

• This action is responsive to the following communication: Response to Restriction/Election filed on 7/22/05 and RCE filed on 4/25/05.

• Claims 1-5, 7-20, 22-35, 37-50, 52-60 are pending in application; claims 6, 21, 36, and 51 have been canceled.

Election/Restrictions

Applicant's election without traverse of Invention I (claims 1-5, 7, 16-20, 22, 31-35, 37, 46-50, and 52) in the reply filed on 8/12/05 is acknowledged.

Claims 8-15, 23-30, 38-45, 53-60 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/12/05.

Duplicate Claims

• Applicant is advised that should claims 31-35, and 37 be found allowable, claims 46-50, 52 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). Both set of claims are drawn to a computer readable medium for storing a computer program.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 7, 16-20, 22, 31-35, 37, 46-50, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori (U.S. 6089765), and in view of Kageyama et al (US 6567180).

Regarding claim 1, Mori discloses a print server (computer 20 also serves as a print server, fig. 1, col. 2, lines 56-67, col. 3, lines 60-67 to col. 4, lines 1-15 and col. 11, lines 18-31) apparatus capable of receiving a print job to be printed from an information processing apparatus (computer 20, fig. 1) through a network (network 60, fig. 1), the printer server apparatus comprising: reservation job management means (print data memory 44 for storing print data for a period of time, job management table 1, fig. 2, col. 4, lines 4-65, the print data is deleted after the reservation time is expired, col. 4, lines 4-65) for storing, in a memory, reservation job data received from the information processing apparatus (computer 20, fig. 1), and managing the reservation job data (print data memory 44 stores reserved print data, col. 4, lines 4-66) even after print data is output to a printing apparatus (the print data also remains in the storage device 44 even after the printing is completed, col. 4, lines 4-66).

However, Mori fails to teach and/or suggest determination means for determining whether attributes are different based on a printer driver name for an output destination for reprint and a printer driver name for the reservation job data managed by said reservation job management means; output control means for outputting means for outputting the device-independent-format data to the information processing apparatus, if said determination means determines that the attributes are different, while outputting the device-dependent-format data to the output destination, if said determination means determines that the attributes are the same, wherein the device-dependent-format is data generated by a printer driver corresponding to the output destination, and the device-independent-format data is data generated prior to a generation process by a printer driver corresponding to the output destination.

Kageyama, in the same field of endeavor for printing system (i.e. reprinting) teaches determination means (printer controller 200, fig. 2) for determining whether attributes (comparing attributes of print job stored in archive with requested format for reprinting, col. 2, lines 45-62, col. 4, lines 15-35, col. 17, lines 1-32) are different based on a printer driver name (document formats such PDL and dot image format, fig. 5) for an output destination for reprint (reprinting requests, col. 17, lines 1-32) and a printer driver name for the reservation job data managed by said reservation job management means (document formats, fig. 5); output control

means (printer controller 200, fig. 2) for outputting means for outputting the device-independent-format data (PDL format, figs. 5-6) to the information processing apparatus, if said determination means determines that the attributes are different (col. 4, lines 15-36 and col. 17, lines 1-34), while outputting the device-dependent-format (dot image format, col. 4, lines 15-36 and col. 17, lines 1-34) data to the output destination (print engine 500, fig. 2, col. 17, lines 1-35), if said determination means determines that the attributes are the same, wherein the device-dependent-format is data generated by a printer driver (converting to dot image format, col. 17, lines 1-34) corresponding to the output destination, and the device-independent-format (PDL format, col. 17, lines 1-34) data is data generated prior to a generation process by a printer driver corresponding to the output destination. Please notes: printer driver for converting device-independent-format (e.g. PDL) to device-independent-format (e.g. RAW or bitmap) is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made by modifying print server of Mori to include a printer controller for performing limitations/features as taught above by Kageyama because of a following reason: (•) reprinting of the document compatible with the highest performance of the printer engine can be assured by converting PDL format to dot image format (i.e. converting device-independent-format to device-dependent format prior being printed by a print engine, col. 17, lines 20-25, col. 18, lines 1-16 of Kageyama); (•) enabling high-quality editing of the document without involving deterioration in picture quality (col. 18, lines 25-32 of Kageyama).

Therefore, it would have been obvious to combine Mori with Kageyama to obtain the invention as specified in claim 1.

Regarding claim 2, Mori further discloses a print server apparatus according to claim 1, wherein said reservation job management means is adapted to reserve the reservation job data transmitted from said information processing apparatus for a designated period (reserving the print data for certain amount of time, col. 4, lines 30-65) and to delete said reservation job data from said memory after the lapse of said designated period (deleting the print data after the reserved time is expired, col. 4, lines 56-67 and col. 7, lines 48-67).

Regarding claim 3, Mori further discloses a print server apparatus according to claim 1, further comprising discrimination means (CPU 21, fig. 3) for discriminating whether the management of said reservation job data by said reservation job management means is possible (CPU 21 of computer 20 determines whether the new print data can be store in the storage device, col. 6, lines 58-67 to col. 7, lines 1-16), in response to a request for reservation from said information processing apparatus; wherein said reservation job management means executes reservation and management of said reservation job data in a case where said discrimination means identifies that the management of said reservation job data is possible (col. 6, lines 58-67 to col. 7, lines 1-16).

Regarding claim 4, Mori further discloses a print server apparatus according to claim 3, wherein, in a case where said discrimination means identifies that the management of said reservation job data is not possible (the storage device is full, col. 6, lines 58-67 to col. 7, lines 1-15), said reservation job management means registers and manages the print job ID and the reservation job size (job name and its capacity, table 1, col. 4, lines 50-67), requested for reservation, in a reservation waiting list (if the capacity of storage device is full, the CPU 21 of computer 20 deletes the oldest print data and/or the print data with retention period is expired to allocate memory space; therefore, a waiting list is not necessary, col. 4, lines 55-67 to col. 5, lines 1-38 and col. 6, lines 58-67 to col. 7, lines 1-15).

Regarding claim 5, Mori further discloses a print server apparatus according to claim 4, further comprising detection means for detecting a registerable print job ID by comparing the available capacity of said memory with the reservation job sizes registered in said reservation waiting list (comparing print job sizes with memory storage device capacity, col. 4, lines 55-67 to col. 5, lines 1-38 and col. 6, lines 58-67 to col. 7, lines 1-15).

Regarding claim 7, Kageyama further teaches wherein said device-independent-format data are EMF (EMF, col. 19, line 19) data and said device-dependent-format data are RAW (RAW, col. 11, lines 39-40) data.

Regarding claims 16-20, 22 Claims 16-20, 22 are the methods corresponding the apparatus and recite limitations that are similar and in the same scope of invention as to those in claims 1-5, 7; therefore, claims 16-20, 22 are rejected for the same rejection rationale/basis as described in claims 1-5, 7 above.

Regarding claims 31-35, 37, 46-50, 52: Claims 31-35, 37, 46-50, 52 recite limitations that are similar and in the same scope of invention as to those in claims 8-15 except computer readable memory for storing computer programs. All computers/printers have some type of computer readable medium (i.e. RAM, fig. 3, Mori) for storing computer programs, hence claims 31-35, 37, 46-50, 52would be rejected using the same rationale as in claims 1-5, 7.

Response to Arguments

Applicant's arguments, see pages 23-27, filed 4/25/05, with respect to the rejection(s) of claim(s) 1-5, 7, 16-20, 22, 31-35, 37, 46-50, and 52 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art reference.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure..

- EP 982650 to Kageyama et al, teaches a re-printing system including a printer server storing both device-independent format and device-dependent format and converting device-independent-format to device-dependent-format prior printing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham

TP

GABRIEL GARCIA
PRIMARY EXAMINER